



Substitute Senate Bill No. 440

Public Act No. 05-221

AN ACT CONCERNING THE PENALTIES FOR DISTRIBUTORS WHO VIOLATE PROVISIONS REGULATING THE SALE OF CIGARETTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 12-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) The commissioner may suspend or revoke the license of any dealer or distributor for failure to comply with any provision of this chapter or regulations related thereto or for the sale or delivery of tobacco in any form to a minor under eighteen years of age, following a hearing with respect to which notice in writing, specifying the time and place of such hearing and requiring such dealer or distributor to show cause why such license should not be revoked, is mailed or delivered to such dealer or distributor not less than ten days preceding the date of such hearing. Such notice may be served personally or by registered or certified mail.

(b) If the commissioner finds, after a hearing as provided in subsection (a) of this section, that a dealer [or distributor] has violated any provision of sections 12-326a to 12-326h, inclusive, the commissioner shall, for a first violation, suspend such dealer's [or

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distributor's] license for not less than seven days and assess a civil penalty of not less than one thousand dollars and, for a second or subsequent violation within a five-year period, [the commissioner shall] suspend such dealer's [or distributor's] license for not less than thirty days and assess a civil penalty of not less than five thousand dollars. The commissioner shall order such dealer [or distributor] to conspicuously post a notice in a public place stating that cigarettes cannot be sold during the period of such suspension and the reason therefor. Any sale of cigarettes by such dealer [or distributor] during the period of such suspension shall be deemed an additional violation of said sections.

(c) If the commissioner finds, after a hearing as provided in subsection (a) of this section, that a distributor has violated any provision of sections 12-326a to 12-326h, inclusive, the commissioner shall (1) for a first violation, suspend such distributor's license for not less than seven days and assess a civil penalty of not more than ten thousand dollars, (2) for a second violation within a five-year period, suspend such distributor's license for not less than thirty days and assess a civil penalty of not more than twenty-five thousand dollars, and (3) for a subsequent violation within a five-year period, revoke such distributor's license and assess a civil penalty of not more than fifty thousand dollars. The commissioner shall order such distributor to conspicuously post a notice in a public place stating that cigarettes cannot be sold during the period of such suspension and the reason therefor. Any sale of cigarettes by such distributor during the period of such suspension shall be deemed an additional violation of said sections.

[(c)] (d) The commissioner shall not issue a new license to a former licensee whose license was revoked unless the commissioner is satisfied that such former licensee will comply with the provisions of this chapter or regulations related thereto.

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Sec. 2. Section 12-326g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) Any dealer violating any provision of sections 12-326a to 12-326h, inclusive, shall be fined not [less] more than two hundred fifty dollars for the first offense and not [less] more than five hundred dollars for each subsequent offense.

(b) Any [stamping agent, subjobber or chain store] distributor violating any provision of [said] sections 12-326a to 326h, inclusive, shall be fined not [less than five hundred] more than one thousand dollars for the first offense, [and not less than one] not more than five thousand dollars for the second offense, and not more than ten thousand dollars for each subsequent offense.

Approved July 6, 2005